

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

INTRAVISUAL INC.,

Plaintiff,

V.

FUJITSU LIMITED *et al.*,

Defendants.

Civil Action No. 2:10-cv-90 (TJW)

JURY DEMANDED

**EMERGENCY AGREED MOTION BY PLAINTIFF INTRAVISUAL INC.
FOR CLARIFICATION AS TO THE COURT'S ORDER
OF JULY 20, 2011 REGARDING JURISDICTIONAL DISCOVERY**

Plaintiff Intraviscual Inc. (“Intraviscual”) respectfully requests clarification from the Court as to the substance and effect of its July 20, 2011 Order, which requires jurisdictional discovery to be completed within 30 days.¹ In particular, Intraviscual respectfully requests that the Court clarify that the July 20, 2011 Order granting jurisdictional discovery applies to defendant NXP B.V. (“NXP”), rather than to dismissed-defendant Marvell Technology Group Limited (“Marvell”).

On July 19, 2011 Intraviscual filed a Notice of Request for a Status Conference² informing the Court that there were two motions to dismiss for lack of personal jurisdiction currently pending — one filed by Renesas Electronics Corp.³ (“Renesas”) and one filed by NXP.⁴ In

¹ Dkt. No. 214.

² Dkt. No. 212.

³ Dkt. No. 139.

⁴ Dkt. No. 163.

opposition to both of these motions, Intravidual has requested jurisdictional discovery.⁵ The following day, the Court granted Intravidual's request "for jurisdictional discovery in its responses to two motions to dismiss for lack of personal jurisdiction. (Dkt. Nos. 160 & 164.)."⁶ In granting the requests, however, Intravidual respectfully submits that the Court mistakenly referred to Dkt. No. 164, which is Intravidual's opposition to Marvell's motion to dismiss for lack of personal jurisdiction, rather than Dkt. No. 179, Intravidual's opposition to NXP's motion to dismiss for lack of personal jurisdiction. Marvell was dismissed from the case pursuant to a settlement agreement on December 6, 2010, and thus Intravidual's previous request for jurisdictional discovery from Marvell is moot.⁷

Counsel for NXP B.V. expeditiously brought this issue to the attention of Intravidual. Counsel for NXP B.V. agrees that clarification is appropriate to clarify whether the order contains a typographical error, or instead reflects the Court's determination on the merits that Intravidual has not made a sufficient showing to entitle it to jurisdictional discovery as to NXP B.V. Accordingly, due to the expedited nature of the discovery ordered by the Court, Intravidual respectfully requests on an emergency basis that the Court clarify whether the July 20, 2011 order granting jurisdictional discovery applies to defendant NXP B.V.

⁵ See Dkt. No. 160 at 11; Dkt. No. 179 at 8-9.

⁶ Dkt. No. 214. Dkt. No. 160 is Intravidual's opposition to Renesas's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2).

⁷ See Dkt. Nos. 175 and 176.

Date: July 28, 2011

Respectfully submitted,

/s/ Alan M. Fisch

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically on July 28, 2011, pursuant to Local Rule CV-5(a) and has been served on all counsel who have consented to electronic service.

/s/ Alan M. Fisch